

Those in attendance for the special meeting of the Tippecanoe County Drainage Board were: Edward Shaw, Robert Fields, Bruce Osborn, Dan Ruth, Martin Galema, Ken Raines and Gladys Ridder.

1965 Drainage Code
(Abstractors)

The president, Edward Shaw, opened the meeting and asked the Engineer to present the facts to those present Mr. Ruth read Sec. 601 of the 1965 Drainage Code. Feeling the great need to educate the public on legal drains and their 75 foot easements and devising away to get the information into the abstracts of title was the Engineer and the Boards greatest concern.

Those in attendance were: Joe Fletcher, James Shook, William Schroeder, John Weillbaker, Larry Short, Everette Morgan, Merrill Barrett, William P. Martin, Richard Donahue, Jim Sharp, Mike Schuh and Joe Livesay.

Mr. Ruth volunteered to draft a letter with all of the pertinent information and try to get into the hands of the attorneys, the realtors, the abstractors and home builders .

A question and answer period followed and the President then adjourned the meeting.

Following the Special called meeting those persons involved in the Friendly Village came before the Board for an informal hearing. The following decisions were reached:

STATE OF INDIANA)
)
TIPPECANOE COUNTY) SS:

IN THE SUPERIOR COURT NO.2
OF TIPPECANOE COUNTY
TO THE 1973 TERM

BRUCE OSBORN, DALE REMALY AND)
EDWARD J. SHAW, Constituting the)
Tippecanoe County Drainage Board)

vs

CAUSE NO. S2-744-72

MID-STATES ENGINEERING CO., INC.,)
DANNIE'S MOBILE HOMES, INC., AND)
DIVERSIFIED CONTRACTORS, INC.,)
Defendants)

DECREE

Comes not the plaintiffs by J. Frederick Hoffman, their attorney, and comes also the defendant Dannie's Mobile Homes, Inc. by Charles Deets III, its attorney, and defendant Diversified Contractors, Inc. by G. Richard Donahue of the firm of Littell, Carey and Donahue, its attorney, and defendant Mid-States Engineering Co, Inc. by Thomas L. Ryan of the firm of Stuart, Branigin, Ricks and Schilling, its attorney.

On motion of plaintiff, cause dismissed as to defendant Mid-States Engineering Co.,Inc.

By agreement, this cause is submitted to the Court on plaintiff's complaint and all other pleadings heretofore filed.

By agreement of the parties all findings of fact are waived.

THEREFORE, By agreement of the parties IT IS ORDERED THAT:

1. Defendant Dannie's Mobile Homes, Inc. and its agents, including defendant diversified Contractors, Inc., hereby are enjoined permanently from interfering with the free flow of water in the branches of the Elliott Ditch, which cross the following described real estate, to-wit;

A part of the North half of the southeast quarter of Section 2, Township 22 North, Range 4 West, tippecanoe County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the North half of said Southeast Quarter section; said point being 1439.910 feet West of the Southeast corner of the West half of the Northeast quarter of said Southeast quarter section and 564.78' more or less East of the Southwest corner of the aforementioned half quarter section; running N 90° 00' 00" on and along the South line of said half, quarter section a distance of 1439.910 feet to the Southeast corner of the aforementioned half, quarter section; running thence N 01° 38' 56" W on and along the East line of said half, quarter, quarter section a distance of 660.517 feet; running thence S 88° 21' 04" W a distance of 185.156 feet; running thence N 02° 06' 53" W a distance of 190.000 feet; running thence N 90° 00' 00" W parallel to the South line of the North half of said Southeast quarter section a distance of 540.000 feet; running thence S 75° 00' 00" W a distance of 170.000 feet; running thence N 90° 00' 00" W parallel to the South line of said half quarter section a distance of 715.000 feet; running thence S 45° 00' 00" W a distance of 150.000 feet; running thence N 90° 00' 00" W parallel to the South line of said half quarter section a distance of 423.591 feet to a point on the centerline of Old U.S. 52 as originally located, which section of road is now abandoned; running thence S 24° 00' 15" E on and along said centerline and centerline extended a distance of 269.027 feet; running thence N 44° 06' 00" E a distance of 18.920 feet to the point of curvature of a curve concave South; and said Curve having a central angle of 90° 00' 00" and a radius of 140.000 feet; running thence easterly along said curve an arc distance of 219.911 feet to the point of tangency of said curve, said arc being subtended by a chord having a bearing of N 89° 06' 00" E and a length of 197.990 feet; running thence S 45° 54' 00" E tangent to the last described curve a distance of 360.000 feet to the point of curvature of a curve concave Northeasterly; said curve having a central angle of 33° 00' 00" and a radius of 330.000 feet; running thence Southeasterly along said curve an arc distance of 190.066 feet; said arc being subtended by a chord having a bearing of S 62° 24' 00" E and a length of 187.450 feet; running thence S 11° 06' 00" W a distance of 130.730 feet to the point of beginning; containing in all 31.943 Acres; subject, however, to all legal highways, rights-of-way and easements.

2. Defendant Dannie's Mobile Homes, Inc. and its agents, including defendant Diversified Contractors, Inc., hereby are authorized to relocate the two branches of the Elliott Ditch which cross the above real estate shown on the site plan which is hereto attached and made a part of this Decree and marked "Exhibit A" hereto.

3. The flow line of the relocated branches into the main channel of the Elliott ditch shall not be more than sixteen inches lower than the flow line of the former branches which are being relocated into the main channel of said ditch.

4. All twenty-four inch tile used in said relocated branches of the Elliott Ditch shall be made of reinforced concrete.

5. When said branches of the Elliott Ditch are relocated, there shall be installed catch basins of adequate size to drain the surface water, with a maximum beehive of ten (10) inches.

6. When said branches have been relocated as permitted hereunder, defendants Dannie's Mobile Homes, Inc. shall maintain same for a period of three (3) years from the date of the completion of such relocated construction.

7. At the time of the installation of the tile in the relocated branches, defendant Dannie's Mobile Homes, Inc. shall pay all reasonable costs for on site inspectors furnished by plaintiffs.

8. The easement provided by Section 601 of the Indiana Drainage, Burns Ind. Statute 27-301, along said relocated branches of the Elliott ditch across the above real estate hereby is reduced to a total width of fifty (50) feet, as shown by "Exhibit A" hereto.

9. There shall be no permanent structures placed on said easement, except streets and utilities as shown by "Exhibit A" hereto.

Dated at Lafayette, Indiana this _____ day of January, 1973.

ENTER: _____

Judge

Upon motion made and carried the meeting adjourned.

Edward J. Shaw
Edward Shaw

Robert H. Fields
Robert Fields

Bruce Osborn
Bruce Osborn

ATTEST:

Gladys Ridder
Gladys Ridder, Exec Secretary